

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. – Karimnagar Dist. – Drawal of funds under EFC/SFC at Sub-Treasury, Mahadevpur by Sarpanches of respective Grampanchayats –News Published in Andhra Prabha Daily Dist. Edition on 10-10-2005 – Disciplinary action initiated – Sri M. Mallesham, Jr. Accountant, Sub-Treasury, Mahadevpur, Karimnagar Dist. – Punishment of withholding of Four Annual grade increments without cumulative effect- Awarded – Appeal petition – Allowed – Punishment modified to that of withholding of 2 annual grade increments without cumulative effect – Orders –Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No.3957

Dt.01-10-2008

Read the following:

1. Procs. No.KII(6)17804/2005, dt. 24-3-2008 of the D.T.A., A.P., Hyderabad.
2. Appeal petition of Sri M. Mallesham, Jr. Accountant dt. 26-4-2008 and 13-8-2008.
3. Lr.1 No. KII(6)17804/2005, dt.19-6-2008 from the D.T.A., A.P., Hyd.

O R D E R:

In a case of irregular admission of (17) cheques in respect of EFC/SFC without joint signatures of the Panchayat Secretary, disciplinary proceedings have been initiated against Sri S. Viswanadham, S.T.O. (Retd.) and Sri M. Mallesham, Jr. Accountant. The following charges were framed against Sri M. Mallesham, Jr. Accountant.

Charge-I:

That the said Sri M. Mallesham, while working as Junior accountant, Sub-Treasury, Mahadevpur admitted cheques during the period in 9/2005 and 10/2005 in respect of EFC/SFC without the joint signature of the Panchayat Secretary concerned the action of which is contrary to the instructions of the Collector, Karimnagar issued in proceedings No. A2/1169/2003, dated 4-7-2003 and No.A2/1395/2003, 16-7-2003 and thus violated Rule 3 of A.P.C.S. (Conduct) Rules, 1964.

Charge-II:

“That the said Sri M. Mallesham while working as Junior Accountant, Sub-Treasury, Mahadevpur did not maintained the specimen signatures file of the Panchayat Secretaries belonging to Kataram and Mahamutharam mandal for admission of cheques issued by the Sarpanches with the joint signature of the panchayath secretary concerned and proper verification of specimen signatures and thus violated rule 3 of A.P.C.S. (Conduct) Rules, 1964.”

2. Not satisfied with the written statement of defence, a regular enquiry was conducted and a Show Cause under Rule 21 of A.P.C.S. (CC&A) Rules, 1991 was issued. The individual did not submitted his explanation to the Show Cause Notice even after a lapse of the prescribed time limit. Therefore it was construed that he had no explanation to offer. The D.T.A., Hyderabad, therefore, after following due procedure imposed the punishment of withholding of 4 annual grade increments without cumulative effect vide his proceedings dt. 24-3-2008.

3. Against the said punishment, the individual has submitted Appeal petition wherein he has stated that the Deputy Director who is appointing authority is competent to impose the punishment to the category of Jr. Accountant, but in his case the DTA has issued punishment order. He could not submit his representation on the enquiry report as the DTA, basing on the enquiry report has issued the punishment order. He also reiterated the defence taken by him in his written statement that the Sub-Treasury, Mahadevpur is a remote one in Karimnagar Dist. and a naxalite move area. At times, pressure mounted on the Sub-Treasury to admit the cheques presented by the Sarpanches of village panchayats without the joint signature of the Panchayat Secretary owing to

their absence for various reasons and some cheques were admitted under the above mentioned circumstances. He also stated that at the time of preliminary enquiry he could not show the specimen signature file due to pressure of work. But he submitted the Xerox copies of the specimen signatures file pertaining to the Panchayat Secretaries of Kataram and Mahamutharam Mandals during the enquiry. He has also stated that the moot point for consideration is whether there is any misappropriation or misuse of Government funds. The Dist. Panchayat Officer categorically reported that the funds in question have not been misused by the Sarpanches. In spite of submitting Xerox copies of the specimen signatures of the Panchayat Secretaries the Enquiry Officer held the charge as proved. He did not misappropriate Government funds nor did he encourage misuse of Government funds. Because of such severe punishment he will be denied of his rightful promotion for 4 long years and requested the Government to review the matter sympathetically and issue orders setting aside the harsh punishment imposed by the DTA vide his proceedings dated 2-4-2008.

4. After careful examination of the material on record, i.e., Charge Memo., Written statement of Defence, Punishment order, contents of the appeal petition, remarks of the D.T.A., Hyderabad, Government found that the appellant has violated the instructions of the Dist. Collector, Karimnagar issued in Proceedings No. A2/1169/2003, dt. 4-7-2003 and A2/1395/2003, dt. 16-7-2003. The Charged Officer was found guilty of the charges and since he was primarily responsible for the scrutiny, he should be awarded relatively stringed punishment as compared to his superior officer who went along with his noting. Keeping in view that the Sub-Treasury, Mahadevpur is a remote Sub-Treasury having vast influence of the naxalies and pressure is often mounted on the Sub-Treasury from the Sarpanches, to admit the cheques without joint signature of the Panchayat Secretary owing to their absence for various reasons, and that the Charged Officer has submitted Xerox copies of specimen signatures of Mahamutharam and Kataram mandals, during the course of regular inquiry. A lenient view is taken and the punishment is modified from "withholding of four (4) annual grade increments without cumulative effect" to that of withholding of two (2) annual grade increments without cumulative effect.

5. Accordingly, Government hereby order that the punishment of withholding of four (4) annual grade increments without cumulative effect imposed by the D.T.A., Hyderabad vide reference first cited on Sri M. Malleshram, Jr. Accountant, Sub-Treasury, Mahadevapur be modified to that of withholding of two (2) annual grade increments without cumulative effect.

6. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

7. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
The individual
(through the DTA, A.P., Hyd.)
Copy to: The DTA, A.P., Hyd.

// Forwarded :: By Order //

SECTION OFFICER